IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 21ST MARCH, 2007 / 30TH PHALGUNA, 1928

WP(C).No. 29733 of 2006(M)

PETITIONER:

K.S. ANIL,
KOMALATH HOUSE, MANNADU, ADOOR TALUK,
PATHANAMTHITTA.

BY ADV. SRI.P.P.JACOB
SRI.N.T.SATHYAVAN

RESPONDENTS:

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1. CASHEW EMPLOYEES WELFARE CO-OPERATIVE SOCIETY LTD.NO.P.T.200, ADOOR, REPRESENTED BY ITS HONORARY SECRETARY.

2. STATE CO-OPERATIVE UNION, KERALA, TRIVANDRUM, REPRESENTED BY ITS SECRETARY/ ADDITIONAL REGISTRAR OF CO-OPERATIVE SOCIETIES, TRIVANDRUM.

3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G), ADOOR, PATHANAMTHITTA.

4. REGISTRAR OF CO-OPERATIVE SOCIETIES, TRIVANDRUM.

5. E.NARAYANAN, MANAGING COMMITTEE MEMBER, STATE CO-OPERATIVE UNION, KERALA, THIRUVANANTHAPURAM.

BY ADV. SRI.V.G.ARUN
SRI.B.MANIMOHAN
R1 BY ADV.SRI.MOHAMMED SALIH. M
SRI.C.P.MOHAMMED NIAS
BY SR.GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN.
SRI.M.K.DAMODARAN (SR.)
SRI.P.K.VIJAYAMOHANAN
R5 SRI.C.P.MOHAMMED NIAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.29733 OF 2006)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the notice issued by R3 to the petitioner dtd.31.10.06.

Ext.P2: Copy of the reply submitted by the petitioner before R3 dtd.4.11.2006.

Ext.P3: Copy of the explanation submitted by Smt.Padminiamma before R3 dtd.24.8.2006.

Ext.P4: Copy of the notice issued by R2 to the petitioner dtd.2.11.2006.

Ext.P5: Copy of the order passed by R3 dtd.6.11.2006.

Ext.P6: Copy of the resolution taken by State Co-operative Union dtd.8.11.2006.

RESPONDENTS' EXHIBITS:

Ext.R2(a): Copy of the Minutes of the Meeting dtd.27.10.2006.

Ext.R2(b): Copy of the Minutes of the Meeting dtd.1.11.2006.

Ext.R2(c): Copy of the Minutes of the Meeting dtd.8.11.2006.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 29733 OF 2006 M

Dated this the 21st day of March, 2007

J U D G M E N T

Petitioner has filed this writ petition seeking the following reliefs:-

> "i. Declare that the removal of the petitioner from the office of the Chairman of the State Co-operative Union, Kerala is illegal and arbitrary and violative of the provisions of Kerala Co-operative Societies Act and Rules and the petitioner is entitled to continue the term prescribed as Chairman until removed as per law;
>
> i(a). issue a writ of certiorari or any other writ, order or direction calling for the records of resolutions taken dated 8.11.2006 of the State Co-operative Union as per Ext.P6 electing fifth respondent as Chairman and the same may be quashed.
>
> ii. issue a writ of certiorari or any other writ, order or direction calling for the records leading to the issue of Ext.P5 and quash the same;
>
> iii. Issue a writ of mandamus or other writ, or order directing the fourth respondent not to take any action pursuant to Ext.P5.
>
> iv. issue a writ of prohibition or other appropriate writ or order prohibiting the fifth respondent from functioning as Chairman of the Managing Committee of the second respondent.
>
> v. issue such other reliefs which may deem fit and proper in the facts and circumstances of the above writ petition."

However, for the present, the petitioner would be satisfied with a direction to the Government of Kerala, before whom the petitioner is stated to have filed an appeal against Ext.P5 order, on 8.1.2007, which has been numbered as Appeal No.420/C1/Co-op./07, as expeditiously.

2. Heard all parties.

3. In the facts and circumstances of the case, there would be a direction to the Government of Kerala, who has been impleaded as additional respondent in this writ petition, to dispose of the above appeal(No.420/C1/Co-op./07) stated to have been filed by the petitioner on 8.1.2007 against Ext.P5 order, if the same has been received and is pending, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioner and respondents 1,2 and 5.

The writ petition is disposed of with the above direction.

S. SIRI JAGAN,
Judge

Mbs/

Mbs/

(prayer i(a) is added as per the order dated 12.2.2007)

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007